

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
 SUNCO GROUP INC., :  
 Plaintiff, :  
 -against- :  
 EARTH BIOFUELS, INC., :  
 :  
 Defendant. -----X

WILLIAM H. PAULEY III, District Judge:

Defendant Earth Biofuels, Inc. ("EBI") having become the subject of a petition in bankruptcy, thus staying further prosecution of the action in this Court with respect to EBI during the bankruptcy proceedings, it is ordered that this case be transferred to the Suspense Docket of this Court.

The parties are directed to inform this Court by letter of the status of EBI's bankruptcy proceedings by February 14, 2008, or within 30 days of any disposition of the bankruptcy proceeding, whichever is earlier.

Dated: November 14, 2007  
 New York, New York

SO ORDERED:

  
 WILLIAM H. PAULEY III  
 U.S.D.J.

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